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Shadow report to the UN Committee on the Elimination of Discrimination against Women

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Publication date:
2019

Document Version
Publisher's PDF, also known as Version of record

[Link to publication from Aalborg University](#)

Citation for published version (APA):
Lemberg-Pedersen, M., Clante Bendixen, M., Bozka, M., Therese, C., & Mosekilde, A-M. (2019). *Shadow report to the UN Committee on the Elimination of Discrimination against Women*. MOVE (Migration, Obstacles, Violence and Equality).

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Shadow report to the UN Committee on the Elimination of Discrimination against Women

Denmark 2019

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INTRODUCTION

Violence against women migrating across borders constitutes an area that suffers from lacking attention and knowledge. While migration and refugee flows have increasingly become “high politics,” and one of the most mediatized and discussed policy areas in global as well as Danish politics, knowledge about the gendered aspects of situations when women are forced or feel compelled to move, and the conditions they face during their migration process, is in dire need of more political focus. This fragmented knowledge illustrates that structural and systemic barriers and gaps, as well as assumptions of cultural hegemony and homogeneity block the more systematic gathering of resources, analysis and dissemination about the flight and mobility of women, that is currently required.

The present shadow report is prepared by members of the practically oriented think-tank MOVE (Migration, Obstacles, Violence and Equality). MOVE works to tear down barriers, which keep migrant women from reaching their full potentials and live lives free from violence. Its members consist of researchers, activists and practitioners who have a specialized knowledge of violence against women, migration and women’s rights. Together, we think of solutions and raise public awareness about the challenges faced by migrant women subjected to violence face within a Danish context.

It is our hope that this shadow report will add important information and perspectives to the process of the ongoing monitoring of Danish governments’ implementation and recognition of the 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The ambition is to aid the Danish parliament, Government as well as the UN system by facilitating knowledge exchange about violence and discrimination against women migration to, through and from Denmark, a goal that also requires attention to the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention).

This shadow report’s analysis and recommendation does not cover the entirety of the CEDAW Convention, but is instead focusing on those particular articles, which pertain to the issues of violence and discrimination against women on the move. This does not reflect any devaluation of those articles not dealt with.

On behalf of MOVE

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MIGRANT WOMEN IN THE DANISH ASYLUM SYSTEM

Article 1: *the term ‘discrimination against women’ shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.*

Article 2(f) *To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women.*

Article 14(f): *To participate in all community activities*

Article 14(h): *To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.*

Article 15.4: *States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.*

Background

Around 30% of asylum seekers to Denmark are women. In its 2015 Concluding Observation no. 15, the CEDAW Committee expressed concern about the limited use of temporary special measures when it comes to migrant women. And in its Observation no. 34 in the same report, the Committee recommended the Danish state, among other things, to introduce measures to eliminate all intersecting forms of discrimination against migrant women, both in society at large and within their communities. For those migrant women arriving to Denmark as asylum seekers, the Danish asylum system constitutes a hugely influential first encounter with the Danish society. In general, however, the Danish State Report 2013 did not deal extensively with migrant women in this system, except remarking that trafficked individuals also persecuted in their country of origin can seek asylum, and that persecution based on gender-related abuse or violence is an integral part of asylum assessment, but also that such applications will be assessed just like any other application. The 2019 Danish Draft Report only reference asylum systems in relation to the promise of increased efforts to screen for human trafficking among unaccompanied minors in asylum centers.

The 2014 list of issues provided by the CEDAW Committee requires from the Danish authorities information of the disadvantaged group of women constituted by migrant women and asylum seekers, asking explicitly for descriptions of reception conditions for the latter

In 2010, before the European Court of Human Rights suspended deportations to Mogadishu, the Danish Refugee Board overrode appeals from the UNHCR, and rejected applications from several single Somali women with no network in Somalia, or who were in conflict or without contact with their husbands (Danish Refugee Council, Somalia country report 2010).

Challenges

Accommodation centers in the Danish asylum system are always mixed, and the majority of the residents are single men. One centre used to be specifically reserved for women and children, but was closed down in April 2017. Now only a small section of a mixed center is reserved for women. All the centers have limited staff, especially at nights and weekends, and most of them are placed in remote areas. Men and women often share bathrooms in the hall ways, which makes women feel insecure and nervous. There are strong suspicion that rapes and sexual assaults are not reported in full.

Sexual exploitation and trafficking is common among single women in the centers, as it is often perceived as their only way of financing their daily lives, due to low weekly benefits. Moreover, women are exposed to forced dependencies on men, since relations to men are perceived as the only way of getting protection against other men in the centres. One strategy often used by women is to isolate themselves from social life in the centres, something that is also exacerbated in cases where mothers and caretakers of children are barred from activities because of lacking child care opportunities in the centres. Family structures are under pressure due to psychological stress, which may lead to a higher of violence against women. Denmark continues to place also pregnant women in asylum centres (Canning 2019). Asking asylum can then be perceived as the only way for a trafficked woman to get to stay, but even when cooperating with the police and Center for Menneskehandel the options are unattractive or insufficient.

Asylum motives are not gender neutral at all. Despite assurances in the 2019 Danish Draft Report, the classical motives for applying for asylum most often acknowledged in asylum decisions by state authorities, including the Danish, are gender-biased to the disadvantage of women having escaped from patriarchal societies. Thus, activities like forced military service, torture and political dissidence and trade union activism are typically more male-dominated activities for men in countries of origin, than for women. Conversely, flight due to forced marriage, bridal kidnapping, female genital mutilation (FGM), honor killings, rape as a weapon of war, or domestic violence and persecution from family members are typically not granted the same importance during asylum case processing. Often-times, such experiences are associated with feelings of shame, vulnerability and self-blame, which hinders relating them to (male) strangers during asylum interviews. Rape is not considered as an instance of torture in asylum cases, and so far only few cases based on FGM has led to asylum, even when it comes to Somalia, where 98% of all women undergo this practice. The 1951 Refugee Convention and the Danish

authorities' implementation and interpretation of it is thereby biased in favor of male asylum seekers. For instance, the Danish authorities still expect women from countries with a clear anti-women's rights legislation and culture like Iran, Pakistan or Afghanistan, to go to the local police for protection, or refer them to live under the "protection" of male members of the same family that forced them into a violent marriage.¹

Asylum status 7(3) was introduced in 2015, and is only used for Syrians. This new legislation places women in a disadvantageous position because it in effect most often pertains to female Syrian asylum seekers, as they are found not to have a personal asylum motive in accordance with the individual persecution nexus of the 1951 Convention (in particular forced military service), but have instead fled from the general violence and insecurity, which fall under the 7(3) provisions. However, the 7(3)-status is more temporary than the other ones, and is extended only 1 year at a time. Currently, Denmark is trying, as one of the first countries in Europe, to revoke their residence permit if they come from Damascus. This means in practice that single women will be the first ones to be returned to Syria from Denmark. The 7(3) status also has two further negative aspects: A 3-year waiting period for family reunification, and no access to free higher education. There have been several examples of adult siblings arriving together from Syria, and where the brother has been granted convention status 7(1) because of military service, while his sister has been granted status 7(3). Consequently, the brother has been given right to free education, while the sister has been denied the same right. Many women are also de facto dependent on their husband's asylum motive.² The disadvantageous positioning of women asylum seeker has some precedents in Danish practices, for instance before the 2010 European Court of Human Rights suspension of deportations to Mogadishu, Somalia, where the Danish Refugee Board overrode appeals from the UNHCR and rejected applications from several single Somali women with no network in Somalia, or who were in conflict or without contact with their husbands (Danish Refugee Council, Somalia country report 2010).

Single women from Afghanistan without a family network are in fact not able to survive in their home country. Quite often they have run away from their own family, but if their asylum case is rejected, they will be returned into the arms of their persecutors. The few ones who are lucky to be given protection fall under the article of humanitarian residence permit (9b), which is a much weaker form of protection with fewer rights.

Humanitarian residence permit should be granted more often with reference to vulnerable women from dangerous countries, many of which are without any means to support themselves. Yet, it is only used for extremely ill people, and only granted to a few persons every year. In 2016, with more than 20,000 asylum

¹ Article about the general discrimination against women in the asylum system, incl. statistics for gender and status: <http://refugees.dk/en/focus/2017/june/women-in-an-asylum-system-for-men/>

² Article about 7(3) and access to education, including statistics on gender and asylum status: <http://refugees.dk/en/focus/2018/august/more-than-4-000-refugees-in-denmark-do-not-have-free-access-to-education/>

seekers in DK, only 3 persons were granted humanitarian residence permit, and in 2017 the number was again 3. This Danish practice has been ignoring the court decision from ECHR Paposhvili vs Belgium (2017), and is still not in line with it.

Example: R is an 80 year old woman who has been in DK since 2008, staying illegally with her son and daughter who are both Danish citizens. She herself is a stateless Palestinian from Lebanon, with no family left there to take care of her. She suffers from dementia, amnesia, diabetes and high blood pressure, and can not be left alone in the home. An application for humanitarian residence has been turned down several times and is now, once again, under consideration since one year.

Female Genital Mutilation (FGM) has only recently been accepted in the Danish practice as a reason for asylum. It is however still not mentioned among the search options on the website for the Refugee Appeals Board. But when families from for instance Somalia are claiming a risk for FGM for their young daughters, the authorities can dismiss them with the argument that the parent(s) are resourceful enough to avoid that. A very doubtful assessment regarding a country where 98% of girls are still subjected to this cruel tradition in its most mutilating form. The UN Committee for the Rights of the Child has criticized DK for this stance in 2018, but the Refugee Appeals Board insisted on its practice.³

Family reunification rules has some built-in disadvantages for refugee women as well, besides the aforementioned Syrian women waiting 3 years for family reunification under §7(3). Another issue is the rule saying that foreign marriages must live up to the same basic conditions as a Danish one: both parties must have been over 18 at the time of marriage. However, in many countries it is quite normal and often also legal to marry at a younger age – and it is especially women who are under 18 when getting married. The Danish rules mean that these women are left behind without a way of changing their situation: They depend on a husband who is not entitled to bring them to Denmark. A special situation has arisen for some Eritrean families, where the father has been granted asylum in Denmark: This is because Eritrean marriage certificates are not accepted by Danish authorities, and the cohabitation of the family is not considered long enough to warrant residence permit. The child is most often accepted as the child of the father via a DNA-test and therefore given a permit to enter DK and live here. But the mother is turned down – often left to stay in a refugee camp in Ethiopia with no access to visit her child or husband. These families are torn apart and devastated, not knowing what to do and how to deal with a situation separating them forever, leaving the women in the most vulnerable situation.

³ Official reply to the case: <https://www.fln.dk/da/GlobalMenu/Nyheder/Nyhedsarkiv/2018/06032018%20-%202.aspx>

Poverty has recently become a severe problem for refugees and migrants in DK lately, and women are also here disadvantageously affected compared to men. 50,000 people live on “integration allowance” and from 2020, this allowance will be cut further and renamed “return allowance.” Moreover, an unemployed person who has not been living in Denmark for 9 out of the last 10 years will only receive half of the normal social benefit. New restrictions are cutting down the amount further for parents/providers after 3 years, which also affect women more than men, since women have a much harder time finding a job (see above) and more often have the daily and economic responsibility for children. The Danish Institute of Human Rights has recently published a report, documenting that a large part of the families living on this benefit lacks money for food, medicine and other basic needs.⁴

Recommendations

- There is a tendency to understand ‘culture’ and ‘ethnicity’ in specific minority communities as drivers of gender inequality and violence. This overshadows the structural causes which increase migrant and refugee women’s vulnerability and inequality in Denmark. Refugee and migrant women should be included as specific target groups in future governmental gender equality and action plans. Additionally relevant authorities should consult with refugee and migrant women in order to obtain their *lived experience* with gender inequality in Denmark, and as stakeholders in developing real and sustainable solutions to the structural challenges addressed in this report.
- Denmark should address prevention of violence from a more holistic approach and take proper measures to provide protection to all women, regardless of their country of origin and residency status. This calls for the full implementation of the Istanbul convention. MOVE supports GREVIO’s recommendation in the 2017 baseline report on Denmark to develop long-term coordinated policies giving due importance to violence against migrant women.

⁴ Link to report, English summary page 8: <https://menneskeret.dk/udgivelser/familier-paa-integrationsydelse>

MIGRANT WOMEN IN THE DANISH LABOUR MARKET

Article 11.1: *“States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights”*

Article 11.2: *“In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures”*

Background

The Danish labour market model is built upon the tripartite cooperation between the state, the trade unions and the employers' organizations. Although it is subjected to EU regulations, the national judiciary and several legal acts, collective agreements are the main tools with which terms and conditions (incl. pay and working hours) in different sectors in the Danish labour market are regulated. In Denmark, there is no legal requirement for Danish or foreign companies to follow or enter into a collective agreement. There is neither labor law nor statutory minimum wage in Denmark.

The Danish State Party Report from 2013 only engages with the issue of women migrant workers, by noting that they at that time had a low, but improving rate of labor market participation, but also notes in its 2014 replies to the Committee's list of issues and questions, that migrant women are represented to a lesser extent on the labour market than migrant men. Although it is a fundamental principle of Danish law that everyone is equal before the law, and all are thus formally entitled to the same protection and respect for human rights, Denmark still has not ratified the Convention on the protection of Migrant Workers and their families and the Domestic Workers Convention. This decision was based on political concerns on the part of the government, that state obligations associated with such a ratification would create incentives to take up illegal work in Denmark, which in turn would undermine the welfare state and collective agreements.

Challenges

Growing demand for cheap labour has positioned migrant workers among the most vulnerable groups. In principle, the Danish labour regulations designed to ensure that foreign employees are given the same rights as Danes on the labour market when certain requirements regarding permits and contracts are achieved. But in practice, the labour rights of legal migrant workers – of which women constitute 37 per cent of the entire foreign workforce in Denmark – are not protected equally. So, while most of the migrant workers working in low skilled occupations in Denmark are men, women are also involved. Growing demand for cheap labour has

positioned migrant workers among the most vulnerable groups, and within this already vulnerable group, female workers are even at greater risk of being the victims of multiple abuse and exploitation due to their specific position. Their situation is an intersection between gendered dynamics and power relations⁵ in their families and at work as well as migration status. And women's vulnerabilities may be exploited more readily in sectors where trade unions are less successful in organizing migrant workers⁶. Structural and situational factors that make migrant workers more vulnerable to labour exploitation and abuse include:

Difficulty of obtaining permanent residence permit and citizenship. The Danish administrative requirements focus mainly on fulltime work and Danish language skills.⁷ Both are more difficult to live up to for women than for men because of the gender inequalities from their home countries as well as the fact that children traditionally remain the responsibility of the mothers, even after arrival in DK. Among refugees with 3-years legal stay in Denmark, 58% of men have managed to find a fulltime job, but only 18% of the women.⁸ This is not because women are less willing or interested in working, but because they lack the skills and experience, and they are more bound by their children. Language has some of the same gender inequalities, as migrant and refugee women are in general less educated and speak fewer languages than the men. This means that a larger proportion of women attend Danish Language Education 1, which does not give access to permanent residence permit (which requires level 2) or citizenship (which requires level 3). As a result of this, fewer women than men are able to secure their future in DK and have a democratic influence.^{9 10}

Women migrant workers from the EU. Not only illegal and non-EU migrants can experience exploitation; EU migrants can face problems in this matter too. It seems to be an assumption that EU citizenship, that provides freedom of movement, combined with the trade unions' assistance, give adequate protection from potential exploitation for EU migrant workers. However, the situation of dependency from employer due to immigration and work regulations as well as a personal situation (family responsibilities, debts etc.) can lead workers to be

⁵ Palumbo, L. & Sciurba, A. (2018), *The vulnerability to exploitation of women migrant workers in agriculture in the EU : the need for a human rights and gender based approach*, European Parliament Study; 2018/604966; Policy Department for Citizens' Rights and Constitutional Affairs

⁶ Mailand, M., & Larsen, T. P. (2011). *Trade unions and precarious work - Danish country report to the BARSORI-project*. FAOS Forskningsnotat, No. 121; Arnholtz, J., Eldring, L., & Fitzgerald, I. (2012). *Post-accession migration in construction and trade union responses in Denmark, Norway and the UK*. *European Journal of Industrial Relations* Vol 18 (1), pp. 21 - 36

⁷ Official Danish website about permanent residence: <https://www.nyidanmark.dk/en-GB/You-want-to-apply/Permanent-residence-permit>

⁸ "Integrationsbarometeret" is a state funded collection of data on refugees and migrants:
<https://integrationsbarometer.dk/aktuelt/7>

⁹ Article on the development on permanent residence, including statistics:
<http://refugees.dk/en/news/2017/december/analysis-the-paradigm-shift-is-about-permanent-residency/>

¹⁰ Article from the leading Danish expert on citizenship; incl. demands + statistics:
<http://refugees.dk/en/facts/legislation-and-definitions/citizenship-in-denmark/>

more willing to accept abusive working conditions, regardless they are EU or non-EU migrants. Holding EU citizenship therefore does not ensure the respect of rights or prevention of abuse¹¹.

Selectivity of collective agreements. A comparative study on incorporation of Polish migrant workers into Nordic labour market structures showed that in Denmark – in comparison with Norway and Iceland – a ‘substantial minority of the Poles do not share the protection and benefits’ of the national model of labour market regulations. The industries where most new migrants have found employment display much lower unionization and coverage rates. Employees that have a trade union representative at workplaces enjoy relatively stronger protection while those outside collective bargaining are in the much worse bargaining position and more exposed to subnormal conditions. Additionally, ‘workers employed in companies without collective agreements would run greater risks of earning sub-standard wages’. This means that migrant workers who are not members of trade unions and/or work for a company that is not subjected to the collective agreements are exposed more than others to a violation of the labour rights¹².

Precarious employment. Women migrant workers often find employment in industries where it is more likely that working conditions (hours and overtime, wages, health and safety arrangements) are less favourable for migrants than the indigenous population, and are often assigned to already determined types of work, regardless of their education, and other social and personal attributes¹³. This is also reflected in official data: According to the Danish Agency for Labour Market and Recruitment, in 2017, a total of 359.873 international people worked in Denmark; but only up to 52% of EU/EEA/EFTA migrant workers and 58% out of 120.949 workers from non-EU countries had full-time work. The largest group of foreign citizens worked in the cleaning industry (67.505), the industrial sector (47.509), followed by hotels and restaurants (45.350) and trade (42.571) (Jobindsats Denmark, 2017). In 2018, the highest percentage of migrants with a higher education came from China (41%) and India (54%); followed by Germans (32%); in the case of Romanians, Polish and Pakistani between 14 - 20% hold a higher education (Statistics Denmark, 2018).

The lowest percentage of full-time position was noted in the cleaning and hotels and restaurants sector where only 35% of migrant employees had stable employment in 2017. The insecure life situation of many women migrant workers means that they can often be fired easily with minor costs for an employer. This precarity does not only facilitate their forced acceptance of exploitative conditions, but also means that they are more likely to

¹¹ Lund Thomsen, T. (2012). *Irregular Migration: Mismatch between Conceptualizations and Lived Experiences*. Aalborg: *Qualitative Studies*, 3(2), pp. 97-114.

¹² Friberg, J. H., Arnholtz, J., Eldring, L., Hansen, N. W., & Thorarins, F. (2014). *Nordic labour market institutions and new migrant workers: Polish migrants in Oslo, Copenhagen and Reykjavik*. *European Journal of Industrial Relations*, 20(1), 37-53.

¹³ Ollus, N. (2016). *Forced Flexibility and Exploitation: Experiences of Migrant Workers in the Cleaning Industry*. *Nordic journal of working life studies*, Volume 6 (1), pp. 25-45

refrain from contacting formal or informal support systems or asking for assistance from trade unions, in many cases even despite holding membership of these.¹⁴ Additionally, migrant women find themselves in a labour context marked both by jobs “assigned for migrants” and considered as “female” which highly limit their job opportunities and tends to undervalue their skills.

Non-standard employment (involuntary part-time employment as well as temporary/‘zero hours’ contract employment) often does not secure sufficient income for migrants to lead life on the same social level as native-born workers. Therefore, this can be a strong disadvantage for migrant women workers creating a strong economic dependence not only to employers but also to spouse. This is especially the case when it comes to women with children. Situations like this can lead women to more ‘compliant’ approaches to exploitative working conditions simply in order to keep a job. At home, on the other hand, women may be willing to accept abusive and violent relationships, and to not leave their partner, due to the lack of financial self-sufficiency as a single parent.

Despite the above-mentioned data, The 2019 Danish Draft State Report for implementing the Convention on the Elimination of All Forms of Discrimination against Women implies that “occupational segregation is rooted in a number of factors, including personal preferences and expectations, cultural expectations and gender stereotypes” and “it is closely linked to educational segregation”. This statement not only reproduces harmful stereotypes towards migrant women but accepts hegemonic discourse. In doing so, Denmark fosters the already existing labour market disadvantages that migrant women face on a daily basis and produce a type of female workers who are braced for uncertain work and various forms of abusive dependence, both in work and domestic sphere.

Recommendations

- Denmark should recognize migrant women workers as a group that requires special attention, especially the on-going discrimination and the labour market disadvantages that these women experience due to their special status in terms of being a woman and a migrant. Denmark should develop and promote campaigns that raise awareness, aiming at abusive and exploitative practices both in the workplace and in particular in the home.

¹⁴ Brzozowska, M. (2018), *Everyday labour exploitation: The case of the Polish workers in Denmark*, Master's Thesis, Advanced Migration Studies, University of Copenhagen

- Non-standard employment seems to foster patriarchal patterns of gender role attitudes and women's financial dependence on male members of the family. There is consequently a need for the development of gendered and more analytic mechanisms aimed at monitoring and examining the conditions of female workers in particular sectors (low-skilled occupations), focusing not only on victims of human trafficking but also on less severe cases of exploitation.
- Denmark should undertake to collect relevant statistical data on employment of legal migrant workers, especially female workers working in low-skilled jobs such as the cleaning and hotels and restaurants sector.
- Although Denmark took certain measures to eliminate occupational segregation (focusing mainly on the gender wage gap and legal protection in relation to pregnancy and childbirth), it did not pay enough attention to the position of vulnerability of migrant women workers who are one of the most vulnerable groups in the labour market. Therefore, national programmes should be revised to give more consideration to the labour market challenges experienced by migrant women workers.

MIGRANT WOMEN AND PSYCHOLOGICAL VIOLENCE

Article 12

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.

2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

Article 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

(c) The same rights and responsibilities during marriage and at its dissolution;

(d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount

(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise those rights

Background

The Declaration on the Elimination of Violence Against Women defines violence as “any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.” The CEDAW Committee’s General Recommendation No.19 established that violence against women constitutes a form of discrimination, but as noted by Amnesty International in its submission for the update of this CEDAW General Recommendation, it is vital to recognize that gender-based violence can affect some women to different degrees, or in different ways. Marginalized women, like asylum seekers or migrant workers may experience intersecting factors which serve to deepen and entrench discrimination, including, but not limited to race, ethnicity, religion, sexual orientation and gender identity.

In the current Committee on the Elimination of Discrimination Against Women 2019 report, Denmark lauded itself on having addressed the need to promote equality between sexes. But this can be questioned whether the

national policy is translated in practice in the everyday life of a migrant woman subjected to violence. It is important to critically break parts of the report down and examine how this translation happens and affect the lives of migrant women in Denmark.

In its 2013 state report, the Danish government stated that it has in place a “*comprehensive and extensive support system’ where victims of violence or threats of violence have access to an extensive nationwide support system covering psychological violence, social, health care, judicial service as well as labor market support*”. Moreover, the Danish 2019 Draft report notes that Denmark has had five action plans on intimate partner violence since 2002, the latest covering the period from 2014-2018. In 2019, a new Action Plan came into force in March 2019, accompanied by DKK 101 million. Among the focus points highlighted in the 2019 Draft report are prevention and recognition of psychological violence, strengthening ambulatory counselling and treatment and increased knowledge.

Challenges

Ill-equipped authorities. Practitioners working on the ground do not necessarily recognize the picture of a comprehensive and extensive support system. Rather, they see many gaps in authorities’ understanding of psychological violence, which create vacuums in in-depth knowledge about psychological violence committed against migrant women. This lacking knowledge has consequences both in theory and concerning the lived experience of migrant women. The different Danish agencies, such as the Danish police, Danish municipalities, health sector, general practitioners and emergency doctors and even crisis shelters, who are supposed to be working in assisting women subjected to violence, are often ill-equipped in providing both long-term assistance and the crucial prior detection of psychological violence.

Stereotyping practitioners. The inefficiency is based on the high likelihood of sweeping and stereotypical assessments towards migrant women seeking help instead of taking a case-by-case approach. There has been cases wherein women who sought hospital assistance received comments from the doctors treating them, that their bruising were too small to be recorded, and that they will not be able to use the documentation of them for whatever schemes they might have. This brings great frustration to migrant women braving the reporting of violence. At the same time, callous comments from hospital practitioners also create the impression for migrant women that they need to be beaten severely before any reporting of domestic violence is considered to have any potential of succeeding.

There are no unilateral trainings for the Danish police force in handling sensitive cases and domestic disputes between a migrant woman and her Danish national husband. Danish asylum authorities still treat such disputes as private legal matters.

Example: Erica from North Jutland who was subjected to psychological and physical violence shared that on one occasion wherein her husband was pushing her around, her husband's middle age daughter called the police, which came to Erica's residence. She thought that she would finally get assistance but instead she was shouted at by the police officer to shut-up and listen to her husband. Erica has only been in the country for two years and is not capable of explaining herself in Danish, with the result that her pleading was misconstrued as being aggressive.

Example: A similar case also happened to Jen who is from Zealand. Jen is fearful towards seeing Danish police in uniforms because there were three incidents where instead of getting help, she was placed in a psychiatric hospital because they deemed her harmful. Jen shared that she was told by the Danish Police officer that she would get help, but she did not understand that she would be placed in a psychiatric ward, expecting instead that a doctor would assist help her. The husband was not questioned although her body had bruises all over. In this case, however, a doctor was very helpful and keen on getting her to safety and justice, but Jen refused to file a domestic violence case against her husband because she experienced first-hand how the law can sometimes be swayed when you are not ready and able to use one's primary language.

The gap in both awareness of what is psychological violence, power, manipulation, threats and control and how these affects women differently, depending on their background for having come and live in Denmark. Individual cases illustrate some of these gaps: In cases where Danish husbands exercise social and financial control and manipulations over their migrant wives, agencies and shelter personnel have several times treated it as a marital issue to be settled between husband and wife, sometimes accompanied by advice to the women about standing up for their rights, and assuming financial independence since that is how it is done in Denmark. However, when such advice is given to women who, after year-long abuse have finally admitted themselves to shelters it raises serious questions about the kind of support system in place. And there is a risk that such advice is perceived by migrant women as pushing them back to their husbands. In accordance with national policy, shelter personnel all across the country must be equipped with adequate tools to understand the multifaceted and institutionalized fear experienced by migrant women for reasons such as; visa dependency, financial dependency, shame, sense of duty and obligation. Shelter personnel also need to be aware of state policies and legislation, which may place women in more vulnerable situations than they were to begin with.

In general, the risk of aggravated stigmatization of already-vulnerable migrant women due to Danish legislation is a particular concern when it comes to the Danish Aliens Act and its provisions on residence permit.¹⁵ Thus, violence against family reunified women is a unsolved problem. The women can be married to either an ethnic Dane or an ethnic minority with a permanent residence or Danish citizenship. In both cases, legislation effectively ensures that she will be totally dependant on him for many years. If she moves out or gets a divorce, she will lose her permit to stay. There is an option in the law to stay (art. 9c,1), but it requires proof and police reports of the violence, and she must have more than 1 year of legal stay and a certain level of integration. Some men are deliberately using this power that the system indirectly grants them over their spouse, by isolating and threatening the wife.¹⁶

Example: Amal from Iraq arrived in 2002 to DK to be family reunified with a Danish citizen, whom she had married shortly before. She already had two daughters from her late husband. The new husband turned out to be very violent, and she had to escape to a shelter with her children. However, there was no police report filed, as she did not speak Danish and the shelter had not undertaken the process. She was rejected on this ground as well as a lack of attachment to Denmark. But she could not go back to Iraq, which was plagued by war and where her family had wanted her to marry her late husbands brother against her will. Meanwhile, her daughters grew up and married Danes, got residence permits and had their own children. Amal has been living for 15 years in various Danish asylum camps, without any rights.

Disadvantaged groups of women. The 2019 Draft states that “Migrant and minority women enjoy the same rights as the ethnic Danish women to all parts of the Convention.” This, however is not representative for what is happening on the ground. For instance, although access to divorce is formally in place, migrant women taking this option always are placed in situations of greater insecurity than that of a Danish woman due to their residence status. A cause of concern is that if the migrant woman’s husband has had extra-marital affairs, filing for divorce will not fully protect the woman considering her applications for family-reunification visa under special circumstance. This is because the definition and discussions of psychological violence in both shelters and different Danish agencies assisting women fails to cover the experience of migrant women in such situations. There are cases where Danish husbands requires mistresses to enter households in return for assisting their wives with registering with the Danish authorities. If such offers are refused it may lead to threats that the women will be sent out of the country. Resolving a marriage is possible but migrant women are at risk for paying a higher price than other women. Moreover, women trying to leave abusive husbands perceive this process as attending Danish

¹⁵ Danner: Vold mod migrantkvinder i Danmark. Erfaringer og data fra Danners opsøgende arbejde blandt en særligt isoleret gruppe 2012-2018: <https://danner.dk/sites/default/files/danner/Diverse/RapportFinal.pdf>

¹⁶ For recent empirical opening of this field, see Danner: Vold mod migrantkvinder i Danmark. Erfaringer og data fra Danners opsøgende arbejde blandt en særligt isoleret gruppe 2012-2018: <https://danner.dk/sites/default/files/danner/Diverse/RapportFinal.pdf>

classes, continue going to work, cooperate with Danish agencies and municipalities all the while warding off stalking ex-husbands.

Recommendations

- New legislation on domestic violence has to be mindful that safety is the first and foremost priority for the migrant women seeking to escape abusive relationship. This requires highlighting that some Danish men target migrant women, knowing that they are extremely fearful of not complying with requirements to secure possibility of staying in Denmark, or that reporting will lead to retaliation and death at the hands of their ex-husbands.
- A deeper understanding on these women's vulnerability is crucial as migrant women survivors of domestic violence will be more open to idea of reporting their cases if they do not perceive authorities as punishing them for standing up. The assumption that women are safe once they are out of an abusive relationship and in a shelter should be resisted as several threats remain through restrictive legislative provisions, which they still have to over-come.